

Serial No. 09/467,712

**REMARKS**

Prior to entry of this Response, Claims 1-3, 5-30, and 33-58 were pending in this application. By this Response, Claims 6, 9, 10 are cancelled without prejudice, and Claims 63-68 have been added.

The Examiner is respectfully requested to consider the application in view of the amendments and associated remarks set forth herein.

**I. SUMMARY OF THE AMENDMENTS**

The amendments to the application are fully supported in the original Specification. No new subject matter has been added.

***In the Claims***

Claims 6, 9, 10 are cancelled without prejudice.

Claims 63-68 are hereby added.

**II. CLAIM REJECTIONS*****Under 35 U.S.C. § 102(e)***

In the Office Action, Claims 1, 2, 5, 9-14, 16, 17, 19, 21, 23, 26, and 28 were rejected under U.S.C. § 102(c) as being anticipated by U.S. Patent No. 6,233,448 to Alperovich.

Claims 9 and 10 have been cancelled without prejudice. Applicant reserves the right to pursue patent protection for these or similar claims in related applications.

Claim 1 is currently amended to include the limitations of Claim 6. Claim 6 was indicated as allowable in the Office Action if rewritten in independent form. Claim 6 depended

Serial No. 09/467,712

from Claim 2 as previously pending. Applicant has included the limitations of Claim 6 into Claim 1, but not the limitations of Claim 2. Applicant submits that the limitations of Claim 2 were not necessary to distinguish the present invention over the prior art of record as evidenced by the Examiner's finding Claim 30 to be allowable, which does not include limitations similar to those of Claim 2. Applicant respectfully requests allowance of Claim 1 and those claims that depend therefrom.

Claims 2, 5, 11-14, 16, 17, 19, 21, 23, 26, and 28 depend either directly or indirectly from Claim 1. Applicant respectfully requests that the rejections of these claims be withdrawn.

***Under 35 U.S.C § 103***

In the Office Action, Claim 3 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Alperovich in light of U.S. Patent No. 6,144,318 to Hayashin.

Claim 3 depends from Claim 1 which has been amended as described above to include the limitations of Claim 6. Applicant submits that Claim 1 is allowable. As such, Claim 3 is allowable as well. Applicant respectfully requests that the rejection be withdrawn.

Claims 24, 25 and 29 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Alperovich in light of U.S. Patent No. 6,236,868 to Lygas. Claims 24, 25, and 29 depend either directly or indirectly from Claim 1 which has been amended as described above to include the limitations of Claim 6. Applicant submits that Claim 1 is allowable. As such, Claims 24, 25, and 29 are allowable as well. Applicant respectfully requests that the rejection be withdrawn.

Serial No. 09/467,712

### III ALLOWABLE SUBJECT MATTER

In the Office Action, Claims 6-8, 15, 18, 20, 22, and 27 were objected to as being dependent on a rejected base claim. The Office Action stated that these claims would be allowable if rewritten in independent form including the limitations of the base claim and any intervening claims.

Applicant has amended Claim 1 to incorporate the limitations of Claim 6, but not the limitations of Claim 2. Applicant submits that the limitations of Claim 2 are not necessary for Claim 1 to be allowable over the prior art of record. Claim 6 has been cancelled without prejudice.

Claim 15 has been rewritten in independent form. The amended form of Claim 15 includes the limitations of originally filed Claim 1. This form of Claim 15 was found to be allowable in the first Office Action issued in this case, mailed on April 22, 2002. Applicant submits that Claim 15 is allowable over the prior art of record. No references have been cited by the Examiner since that Office Action that would require additional limitations to overcome the prior art of record. Applicant respectfully requests that Claim 15 be allowed.

Claim 18 has been rewritten in independent form. The amended form of Claim 18 includes the limitations of originally filed Claim 1 and intervening Claim 17. This form of Claim 18 was found to be allowable in the first Office Action issued in this case, mailed on April 22, 2002. Applicant submits that Claim 18 is allowable over the prior art of record. No references have been cited by the Examiner since that Office Action that would require additional limitations to overcome the prior art of record. Applicant respectfully requests that Claim 18 be allowed.

Serial No. 09/467,712

Claim 20 has been rewritten in independent form. The amended form of Claim 20 includes the limitations of originally filed Claim 1 and intervening Claim 19. This form of Claim 20 was found to be allowable in the first Office Action issued in this case, mailed on April 22, 2002. Applicant submits that Claim 20 is allowable over the prior art of record. No references have been cited by the Examiner since that Office Action that would require additional limitations to overcome the prior art of record. Applicant respectfully requests that Claim 20 be allowed.

Claim 22 has been rewritten in independent form. The amended form of Claim 22 includes the limitations of originally filed Claim 1 and intervening Claim 19. This form of Claim 22 was found to be allowable in the first Office Action issued in this case, mailed on April 22, 2002. Applicant submits that Claim 22 is allowable over the prior art of record. No references have been cited by the Examiner since that Office Action that would require additional limitations to overcome the prior art of record. Applicant respectfully requests that Claim 22 be allowed.

Claim 27 has been rewritten in independent form. The amended form of Claim 27 includes the limitations of originally filed Claim 1. This form of Claim 27 was found to be allowable in the first Office Action issued in this case, mailed on April 22, 2002. Applicant submits that Claim 27 is allowable over the prior art of record. No references have been cited by the Examiner since that Office Action that would require additional limitations to overcome the prior art of record. Applicant respectfully requests that Claim 27 be allowed.

Claims 30, and 33-58 were found to be allowable in the Office Action. These claims have not been amended.

Serial No. 09/467,712

**IV. NEW CLAIMS**

New Claims 63-68 have been added. Independent Claim 63 is directed to a method of transferring telephone calls. Claim 63 appears below.

63. A method for transferring telephone calls comprising the steps of:

determining the proximity of a first telephone to a second telephone;

initiating a transfer of calls from the first telephone to the second telephone in response to the proximity;

the first telephone including a short-range transceiver,

the second telephone including a short-range transceiver,

the proximity of the first telephone to the second telephone being determined through communications between the first and second telephones using the short-range transceivers.

No reference or combination of references cited by the Examiner in this case includes the limitations of Claim 63. Concerning a combination of Alperovich and Lygas, while Lygas shows a plug 114 having a winding with a ferrite core, and a holder 116 with either a ferrite element or a similar winding as the plug 114, these elements do not comprise short-range transceivers engaged in communication. Lygas merely discloses monitoring the current in the windings to determine if the plug is near the holder. In addition, these elements of Lygas are located in a plug and a holder, not in a first telephone and a second telephone. Any hypothetical combination of Alperovich with Lygas would therefore not be the invention claimed in Claim 63. To arrive at the present invention with such a combination would involve improper hindsight reasoning.

Serial No. 09/467,712

There is no suggestion in any prior art of record to place the windings of Lygas into separate phones. The addition of this claim adds no new matter. Support for Claim 63 can be found in the original specification at, for example, page 3, lines 8-13, and page 10 lines 12-25.

New Claim 64 is reproduced below:

64. (New) The method of claim 63 wherein the short-range transceivers are selected from the group consisting of Bluetooth, infra-red, Home RF, wireless LAN, and radio transceivers.

Claim 64 adds the limitation that the short-range transceivers be selected from the recited list. No prior art of record or any combination thereof includes short-range transceivers of the type in this list. Concerning a combination of Alperovich and Lygas, Applicant submits that the windings of Lygas are not transceivers, but even if they were so broadly read, they can not be considered any of the types of short-range transceivers included in the recited list. Support for Claim 64 can be found in the original specification at, for example, page 3, lines 8-13, and page 10 lines 12-25.

Claim 65 adds additional limitations to Claim 63, further patentably distinguishing the present invention over the prior art of record.

Applicant respectfully requests that a notice of allowance be issued for Claims 63-65.

Applicant submits that the above remarks for Claims 63-65 apply as well to Claims 66-68 respectively. Applicant respectfully requests that a notice of allowance be issued for Claims 66-68.

-Page 34 of 35-

Serial No. 09/467,712

**V. CONCLUSION**

We respectfully request allowance of the claims pending in this case.

The three-month deadline for responding to the Office Action of August 11, 2005 coincided with Veteran's Day, a federal holiday. In accordance with USPTO rules, Applicant is timely filing this response on November 14, 2005. Applicant does not believe that a fee for an extension of time is due. If, however, such a fee is required, Applicant authorizes for a such a fee to be charged to its deposit account 14-0629.

Should the Examiner believe that a telephone conference would be useful, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,



J. Perry Herndon  
Reg. No. 54,706  
Attorney for Applicant

Dated: **November 14, 2005**  
Parks Knowlton LLC  
1117 Perimeter Center West  
Suite W307  
Atlanta, Georgia 30338  
(678) 336-1209  
(678) 325-6605 facsimile  
Attorney Docket No.: CW-493.US